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LIBERTY MUTUAL FIRE
INSURANCE COMPANY

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

TRAVELERS PROPERTY
CASUALTY COMPANY OF
AMERICA, a Connecticut corporation,

Plaintiff,

v.

LIBERTY MUTUAL FIRE
INSURANCE COMPANY, a Wisconsin
corporation; ZURICH AMERICAN
INSURANCE COMPANY, a New York
corporation and DOES 1 through 100
inclusive,

Defendants.

Case No. 8:22-cv-00930-SSS-KESx

**DECLARATION OF KELLEY K.
BECK IN SUPPORT OF LIBERTY
MUTUAL FIRE INSURANCE
COMPANY'S MOTION FOR
PARTIAL SUMMARY JUDGMENT**

Accompanying Documents:

Notice of Motion and Motion;
Memorandum of Points and Authorities;
Statement of Uncontroverted Facts and
Conclusions of Law; Request for
Judicial Notice; Exhibit Compendium;

LIBERTY MUTUAL FIRE
INSURANCE COMPANY, a Wisconsin
corporation,

Counter-Claimant

v.

TRAVELERS PROPERTY
CASUALTY COMPANY OF
AMERICA, a Connecticut corporation,

Counter-Defendant.

Declarations of Patricia Daza-Luu and
Stephanie Bright; [Proposed] Order

Date: June 7, 2024

Time: 2:00 p.m.

Dept.: Courtroom 2

Judge: Hon. Sunshine S. Sykes

Complaint filed: May 5, 2022

Trial Date: March 24, 2025

I, Kelley K. Beck, declare as follows:

1. I am an attorney at law admitted to practice before all courts in the State of California and the United States District Court for the Central District of California and am counsel of record in the above-captioned matter for Defendant and Counterclaimant Liberty Mutual Fire Insurance Company ("Liberty"). I have personal knowledge of the matters stated herein, unless stated on information and belief, and if called as a witness at trial would so testify.

2. I make this Declaration in support of Liberty's Motion for Partial Summary Judgment ("Motion") against Travelers Property Casualty Company of America ("Travelers").

3. All exhibits referenced herein are included in an Exhibit Compendium ("Compendium") that accompanies this Motion.

4. Liberty propounded Request for Admissions, Set One, on Travelers in this action on September 21, 2022. A true and correct copy of the pertinent portions of Liberty's Request for Admissions, Set One, to Travelers is included in the Compendium as Exhibit 19.

5. On January 13, 2023, Travelers responded to Liberty's Request for Admissions, Set One, admitting Travelers had a duty to defend Turner in the Underlying Action. A true and correct copy of the pertinent portions of Travelers'

1 Response to Liberty's Request for Admissions, Set One, is included in the
2 Compendium as Exhibit 20.

3 6. Liberty propounded Requests for Production of Documents, Set One,
4 on Travelers in this action on September 21, 2022. A true and correct copy of the
5 pertinent portions of Liberty's Request for Production of Documents, Set One, to
6 Travelers is included in the Compendium as Exhibit 21.

7 7. Travelers produced documents in response to Liberty's Request for
8 Production of Documents, Set One, on a rolling basis during the discovery period
9 for this action. The documents Travelers produced in this action are bates
10 stamped with the prefix TRV. Documents Travelers produced in this action are
11 referenced in this Declaration and included as exhibits in the Compendium.

12 8. Travelers' production included copies of its policies issued to
13 Shawmut Woodworking & Supply, Inc. d/b/a Shawmut Design and Construction
14 ("Shawmut") Commercial General Liability Policy No. RTC2-CO-2398A477-
15 IND-06, effective November 1, 2006 to November 1, 2007, and Commercial
16 General Liability Policy No. VTC2-CO-2398A477-IND-07, effective November
17 1, 2007 to November 1, 2008. These policies are sometimes collectively referred
18 to as the "2006-2008 Travelers Policies." True and correct copies of pertinent
19 portions of the 2006-2008 Travelers Policies Travelers produced, specifically the
20 policy declarations, commercial general liability coverage form, wrap
21 endorsement (as applicable), Contractors Xtend Endorsement (as applicable), and
22 discussed additional insured endorsements, are included in the Compendium as
23 Exhibits 2-3.

24 9. Travelers also produced six consecutive commercial general liability
25 policies naming Shawmut as its named insured that were effective from
26 November 1, 2012 to November 1, 2018 (the "2012-2018 Travelers Policies").
27 The respective policy numbers of these policies are as follows:

28 a. VTRK-CO-8206A920-TIL-12 (11/1/2012-11/1/2013);

- b. VTRK-CO-8206A920-IND-13 (11/1/2013-11/1/2014);
- c. VTRK-CO-8206A920-IND-14 (11/1/2014-11/1/2015);
- d. VTRK-CO-8206A920-IND-15 (11/1/2015-11/1/2016);
- e. VTRK-CO-8206A920-IND-16 (11/1/2016-11/1/2017);
- f. VTRK-CO-8206A920-IND-17 (11/1/2017-11/1/2018);

True and correct copies of pertinent portions of the 2012-2018 Travelers Policies Travelers produced, specifically the policy declarations, commercial general liability coverage form, wrap endorsement (as applicable), Contractors Xtend Endorsement (as applicable), and discussed additional insured endorsements, are included in the Compendium as Exhibits 4-9.

10. In 2011, T-12 Three, LLC (“T-12”) filed a lawsuit alleging construction defects involving the Hard Rock Hotel in San Diego, California against Turner Construction Company (“Turner”) and 5th Rock LLC titled, *T-12 Three, LLC, et al. v. Turner Construction Company, et al.*, Orange County Superior Court Case Number 30-2011-00514568-CU-SU-CXC (the “Underlying Action”).

11. Through discovery in this action, Travelers produced Plaintiff T-12’s Defect List from the Underlying Action. A true and correct copy of T-12’s Defect List Travelers produced is included in the Compendium as Exhibit 10.

12. Certificates of Occupancy for the subject Hard Rock Hotel were produced in the Underlying Action. True and correct copies of the Certificates of Occupancy as produced in the Underlying Action are included in the Compendium as Exhibit 13.

13. Through discovery in this action, Travelers produced its May 28, 2013 coverage position letter issued to Shawmut in response to Shawmut’s tender for defense and indemnity against the Underlying Action. A true and correct copy of Travelers’ May 28, 2013 coverage position letter issued to Shawmut it produced is in the Compendium as Exhibit 15.

1 I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct, and that I signed this declaration in
3 Los Angeles, California on April 19, 2024.

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5 /s/ Kelley K. Beck

6 Kelley K. Beck
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